



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

August 12, 2021 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at 5:00P.M.; Pastor Bob Winder offered invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Ernie Flangas
Councilman Ed Spear
Councilman Jim Alworth
Councilwoman Jerri-Lynn Williams-Harper

Members absent:

Councilman Kurt Carson

City Officials and staff present in the building or via video conference:

City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Attorney Leo Cahoon
City Administrative Assistant Patti Cobb
Public Works Supervisor Mike Cracraft
City Building Official Lee Walker
City Engineer BJ Almberg
City Fire Chief Pat Stork
City Police Chief Scott Henriod
Municipal Court Judge Mike Coster (Zoom)

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Linda Davies, Mishon Hurst, Maureen Otzelberger, Chris Stanko, Caroline McIntosh, and Kevin Hicky.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: August 12, 2021

Print name below

Samantha Elliott
George Chachas
Pastor Bob Winder
Michael Rasmussen
JED A. PEELER

Print name below

2. PUBLIC COMMENT

Samantha Elliott with Boys and Girls Club stated I came tonight because I have been talking with Mr. Spear and wanted to let the Council know that the Boys and Girls Club is looking into a daycare option. We are working closely with the White Pine County School District in taking over the Murry Street School and possibly rehabbing that building to make it a zero to five center that operates year around. We are very preliminary in that project but wanted to give this group and update. It is something we are working on for the future of Ely.

George Chachas stated ongoing concerns regarding if Mt. Wheeler Power has been contacted about the power poles where the new city water and sewer lines are going in; when the Council approved an increase to business license fees and utilities; and if a victim's fund will be set up to those affected by COVID. I have asked Building Official Walker three times to inspect Great Basin Boulevard and the North Aultman Street Project for proper ADA compliance since it is a new project and involves City streets. If he has, I am requesting a copy of that report. On your agenda items 9-C7, 9-C8, and 9-C9 I am requesting that Councilwoman Williams-Harper not sign those due to the rumor of embezzlement regarding the railroad. The railroad needs to come back under the oversight of the City Council and operate under the Nevada Open Meeting Law since they spend taxpayer money. On your agenda item 9-C3 you are to consider setting a curfew for City parks. You must designate at least one park to be open for the 18 to 20-year olds as they have nowhere to go. I have had two break-ins on my property and have suffered from graffiti on one of my properties and that has to stop.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

Councilman Spear moved to approve the agenda as presented. Councilman Alworth seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY FIRE CHIEF

City Fire Chief Stork stated Rescue 6 is back from Salt Lake City and should be up and back in service by this evening. We have been busy doing hose testing as we have our ISO ratings coming up the end of the month.

➤ CITY POLICE CHIEF

City Police Chief Henriod stated we have been in training all day today. We are getting close to opening our new jail, so we have been doing jail training on cameras, doors, and all the operating systems. I am here to personally invite you to our open house on August 26th from 10:00 a.m. to 2:00 p.m. and that is for the jail. The Courthouse open house will be sometime in October. We are planning on moving inmates to our new facility sometime in September. I invite you all to come down, take a tour, and see what tax dollars bought. If you are not able to make it that day, let me know and I can schedule a time to take you through.

Mayor Robertson asked how many open positions do you currently have at the Sheriff's Department?

City Police Chief Henriod stated three. If you know any good men or women send them my way.

Councilman Flangas asked is there anything we can do about these kids on scooters after dark. They ride up the middle of the street and you can't always see them.

City Police Chief Henriod stated the guys have been dealing with them the last week and I gave them direction today if they catch the kids riding their scooters down main street to confiscate their scooters and have their parents come up to the Sheriff's office to pick them up and have a talk with them because the kids are being pretty belligerent right now.

➤ **CITY CLERK**

City Clerk Lee stated I continue to manage the 74 complaints my office has received this year. To date, we have sent 62 letters, received 37 responses, and 28 property owners have complied. I received a scholarship to participate in the second day of the Nevada Municipal Clerks Association Academy regarding elections on July 27th; significant changes due to the passage of AB321 include universal vote by mail method, while maintaining early in person voting and election day polling places; extension of the deadline for ballot receipt canvassing; requiring ballot drop boxes; and requiring the Secretary of State to work with Vital Statistics to remove deceased people from the voter rolls.

➤ **CITY PUBLIC WORKS SUPERVISOR**

Mayor Robertson stated I noticed the price for cardboard is going up. Are we at a tipping point of if that needs to be reviewed or not?

City Public Works Supervisor Cracraft stated I think we should wait and see what it does in the next two months.

➤ **CITY ENGINEER**

I did have a meeting last week with the County and Mine and the discussion was about the Golf Course's old irrigation well which is a County well; it was a positive meeting. The intention of that meeting was hopefully by next spring the Golf Course will be on their own well again and off City water which will be a big benefit to us. The County pulled the pump in that irrigation well earlier this week and the Mine is coordinating a company to come and camera to see what it looks like down in that hole to see what our options are to work on that well. We are working with the fire department. They are going through an ISO rating and part of that is our water system. Our water system is about 40% of his score. We have been coordinating with them and they have been doing more fire hydrant tests including flow tests. We are compiling that data and hoping for a good rating because it affects everyone in the City's insurance rates. We just received the compaction reports on the Murry Street Project this week and unfortunately compaction did not meet contract requirements. We sent off a letter to the contractor saying you need to provide us a written plan of how you are going to remedy it and a timeframe of completion. We also informed them that we will continue to hold their retention and keep their performance and payment bonds in place until this is remedied.

Councilman Flangas stated I drove up Murry Street and I couldn't believe the water that was washing down that street and it had no place to go. I want to recommend that any time we are resurfacing or rebuilding a road to make sure drainage is a factor. If we have a big rain storm, the water will come gushing down the street with nowhere to go.

City Engineer Almberg stated wherever there is a storm drain in the area our intention is to improve that and to use that capacity. There are areas in town that don't have a storm drain.

City Flangas stated drainage is very important in the winter when we have big snowstorms to help control the ice.

Mayor Robertson passed the gavel to Mayor Pro Tem Williams Harper.

5. NNRY FOUNDATION REPORT

NNRY President Mark Bassett stated we are very close to finishing Locomotive 81. We had it out on the track last Thursday doing tests because the Federal Railroad Administration (FRA) will be here next Tuesday and Wednesday; once they finish inspecting it, she can return to service. The following report was also shared.

NEVADA NORTHERN RAILWAY

A NATIONAL HISTORIC LANDMARK



Nevada Northern Railway Foundation

Depot: 1100 Avenue A, Ely, Nevada 89301

Mailing Address: PO Box 150040, Ely, Nevada 89315

Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

Monthly Operations Report for July 2021

1. Locomotive Status – No change
 - a. Locomotives in service: #93, #105, #109, #204, Wrecking Crane A & Rotary B.
 - b. Locomotive 40 is out of service for her heavy repairs and will be out of service until 2023.
 - c. Locomotives out of service needing moderate repairs: #310 and #45
 - d. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 801 and Rotary Snowplow B (for boiler overhaul.)
 - e. Locomotives out of service needing heavy repairs #802, #80 and the military locomotives.
3. Rolling Stock Status – No change
 - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - c. Cabooses in service: #3, #6 and #22 are operational.
 - d. Cabooses out service: #5
4. Track Status – No change
 - a. Keystone Branch is open
 - b. Adverse Branch is open.
5. Ridership and Ticket Sales – Updated
 - a. In July we carried 3,130 passengers. This is an increase of 91% over 2020, and an increase of 40% over 2019. This the largest July we have had in 34 years and the 4th largest month ever.
 - b. Year to date we have carried 8,447 passengers. This is an increase of 135% over 2021 and a 16% over 2019. In fact we have carried more passengers this year than we did in all of 2020.
 - c. Since operations began in 1987, we have carried 320,771 passengers.
6. Social Media: Our reach on social media continues to expand, in the last 28 days:
 - a. We reached 5,289,435 people, 30% increase
 - b. Post reach was 459,499, 24% increase
 - c. Our page likes increased 1,078, 62% increase

Award Winning Destination

Best Tour in Rural Nevada – 2017

Nevada State Treasure – 2013 & 2012

Best Adrenalin Rush in Rural Nevada - 2020

Best Preservation Effort in the West • Attraction of the Year – 2012

Trip Advisor Certificate of Excellence – 2020, 2019, 2018, 2017, 2016, 2015, 2014

Best Museum in Rural Nevada – 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008

Best Event in Rural Nevada – The Polar Express – 2017, 2016, 2015, 2014 & 2013

Best Place to Take the Kids in Rural Nevada 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson.

6. REPORTS

➤ COUNCILMAN FLANGAS

Councilman Flangas stated the Planning Commission meeting last night was very good. There was discussion of sectioning off parcels of land in the County and the City, especially where they are planning a new housing project. They only asked for six lots to be surveyed and hopefully construction will be underway in a year.

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I think we need to take a serious look at the size of our Landfill, that thing is going to be as tall as Squaw Peak. We are taking away some of the beauty. It may be permitted for thirty-six years but I think it is time we give the County notice to get their own landfill. The Cemetery is filling up. We have no more space for plots, and I think the long-term plan is the County needs to have a cemetery somewhere. These are observations and things that need to be looked at for the long-term management plan. The County was granted land out in Copper Flats that might be a good place for a landfill. We need to work with the County and B.J. for guidance on a transition.

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated I would just like to thank my fellow Council members. They are making sure I am getting up to speed on a lot of things that we have been talking about.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITIES BOARD.

1. Councilman Alworth – Discussion/For Possible Action – Approval to waive back charges owed for water, sewer, and landfill fees for 790 Avenue I up to \$8,035.41.

Mayor Robertson stated I understand there were not enough members to vote on this item at the Municipal Utilities Board this morning, so no action was taken.

Marietta Henry stated I live at 2375 Iron Drive and I am a partner in Bristlecone Motel LLC. We purchased the motel in January 1, 2008 and on February 15, 2018 we sold it, but we kept 790 Avenue I and the garage. We moved a renter into the 790 Avenue I on September 1, 2014 and she moved out June 30, 2021. The agreement with her was she would pay rent and the utilities. During this seven-year period the renter paid her rent early every single month. The city, by sending a credit balance notice every month showing unpaid balance zero, affirmed our logical feeling that her payments were being made as her payment record with us was outstanding. The City never sent a dunning notice in seven years. The City never sent a notice that utilities would be turned off for non-payment. There was no notice that the City was taking action by putting a lien on the property, which is legally possible so how could we as owners possibly know that those bills were not being paid with credit balances every single month for seven years. These are the statements that show \$105.70 credit and past due \$0.00. If we would have known there was a balance, we would have paid it and made sure it was addressed, but we had no idea this was happening. This was a billing system error of the City. It is shocking. We received this letter from Janette Trask on June 3, 2021 saying we owe \$8035.41 from August 2014 through April 2021. I don't understand how someone didn't know these bills were not being paid. We certainly didn't know by virtue of these statements, and I believe they are legal documents. I would like to propose something. I would like to say that the City has some onus on this and we do unfortunately, even though we did not know. I would like to propose that we split it in half. We pay half and the City write off the other half.

Mayor Robertson asked do you have anything else to add about that.

Marietta Henry stated no, it has just been very difficult to deal with this. It is not something we would have done as we pay our bills and are honest. It is just something that happened, and I don't know if it had something to do with the City in the transition to the third billing party. Regardless if it is internal or third party the City is ultimately responsible for their billing and we can only pay what we are told to pay.

Mayor Robertson stated noting that the Council does have a copy of the letter that went out and to note there are no late charges on any of that and also there is a statement from the City Clerk on the findings from the City Clerk and City Treasurer on this.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
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MEMO

DATE: August 11, 2021
TO: Mayor Robertson, City Council and Municipal Utilities Board Members
COPY: City Treasurer Janette Trask and City Attorney Leo Cahoon
FROM: City Clerk Jennifer Lee
RE: 790 Avenue I back charges

It was brought to my attention in May of this year that 790 Avenue I was occupied, but the previous tenant's account was terminated in August 2014; the owner, Bristlecone, LLC has acknowledged their company rented out 790 Avenue I the next month. Based upon previous counsel from former City Attorney Manuele, I recommended that Bristlecone, LLC be back billed for all utility charges owed; City Treasurer Trask was in agreement and signed the notification letter. Since the City of Ely notified Bristlecone LLC of their debt for services provided to 790 Avenue I, City Attorney Cahoon has confirmed that NRS 268.043(6) authorizes the City to collect delinquent charges for utility services. Further, Ely City Code 10-2-4(A)(4) states:

4. Responsibility: The applicant, being the legal owner, is responsible for the payment of all water charges at the premises applied for and within the meaning of this chapter is referred to as the "customer". Only the original applicant may request termination of water service or a change in the person or address to which the monthly water bill is to be sent. Pursuant to Nevada Revised Statutes 266.285(3), the property owner is solely liable for all unpaid water bills, even if the property owner has a tenant.

It is my recommendation that Bristlecone LLC's request to waive utility back charges for 790 Avenue I be denied.

The City of Ely is an equal opportunity provider and employer.

City Clerk Lee stated I would note that on a utility bill where water service is in progress each charge is itemized and you would not have the same credit for seven years.

Councilman Spear stated before we go any further I need to abstain from this as my wife, Julie was employed doing utility billing during this time period and I prefer to not be included in this discussion.

City Attorney Cahoon stated Councilman Spear, I don't think that abstention would be necessary unless your judgement would be truly affected by some financial interest or a commitment to another person's interest. I think you have a duty to vote on this matter.

Councilman Spear stated I am not sure how this is going to go, but in case of litigation it could be a problem down the road and that is why I want to abstain.

City Attorney Cahoon asked do you have any financial interest?

Councilman Spear stated none.

City Attorney Cahoon asked do you have any commitment to someone else's interest?

Councilman Spear stated no.

City Attorney Cahoon stated then I think we are okay and you can vote.

City Clerk Lee stated we have a statement that Councilman Carson submitted to City Attorney Cahoon that Patti will read into the record.

City of ely billing

Kurt Carson <carson.k@sbcglobal.net>

Thu 8/12/2021 2:18 PM

To: Leo Cahoon <Attorney@cityofelynv.gov>

I had to take an unexpected trip out of town today but thought I should give you my thoughts on this item.

I spent some time with Marietta on this matter and the fact is that the City of Ely sent them a credit for this property for many many years. I know if my bookkeeper receives a credit that they assume that myself or someone in my organization has taken care of the bill. I don't think that the property owners should be let totally off the hook but I do believe that the City does need to share in the burden of this because of our oversight in the matter. I definitely think that Desi needs to be commended for finding this oversight and we need to make sure we don't have anymore of these issues in the future.

Thanks

Kurt

Marietta Henry stated that is why I suggested we share the responsibility in this.

Councilman Flangas stated if you were seeing a credit that was the same amount every month, wouldn't the tenant or the property owner question this?

Marietta Henry stated let me explain. The problem is when the previous tenant moved out, the City set the bill to go to the primary partner's house and since the understanding was that she was to pay the utilities when they saw these credits, they presumed she was going to the City every month and paying the bill and it says in here \$105.70 credit; past due \$0.00; there was no reason to question it.

Councilman Flangas stated I agree with you.

Mayor Robertson stated it should be noted for the Council that the City does not send out more than one bill per property. It does not go to the tenant and the property owner; it only goes to who set up the account.

Marietta Henry stated if we ever had a bill that we owed, it would have been addressed immediately, but when you see all these credits and with her paying the rent early every month and being a reputable person that she is. She has since moved out, so we have no recourse. The normal presumption is she is paying it every month and we had no reason to question her.

Mayor Robertson stated for the benefit of the Council and for the public, there are no penalties here and nobody is seeking retribution or looking to find fault. The staff issued this as utilities were used and not paid for and they have offered, as you will note in the letter, a payment plan. How do we resolve the issue?

Marietta Henry stated how do you let this go for seven years and not know that this is not being paid?

Mayor Robertson stated that is why it is here in front of the Council because aside from staff being able to set up a payment plan, any possible forgiveness, or appeal, which is the property owners right to do, has to come to the Council for an ultimate decision.

City Clerk Lee stated for the record, how was the City to know that the rental was occupied?

Councilman Alworth stated I had quite a discussion with City Staff and Marietta and this period of seven years surprised everybody. There was an error in the system that terminated the account, but our new employee, Desiree, is very good and I asked the other staff members if she would not have caught this, when would it have been caught? It could be fifteen years, thirty years, or forty years; it's one of those things. This LLC is a big company and they see lots of bills and you see a credit, you don't really worry about it. There was a billing error made and since that time the City Treasurer or Desiree

has gotten with the billing company to find out what code to put in to run a report to see if there are any more skeletons in the closet. I have one question for the attorney in the letter that Jennifer wrote on number four it states only the original applicant can request water service and what I understand is back in August the renter came in and said I am moving out, shut my water off, so in this term here who is the original applicant? Is that the lady that was living there at the time or does it go back to the original owner?

City Attorney Cahoon stated I would need more context. I don't know who the applicant was. It could be either of them.

Councilman Alworth stated I am not pointing blame. It could be miscommunications, but I know the lady that lived there and when she moved out she said terminate my water and the utility clerk not knowing what "terminate" meant do you hit a "t" for terminate or an "s" for shutoff and nothing else was caught. This was caught after seven years by Des, who was employed by that company for eleven years, and maybe didn't notice the credit. Did they use the water? Yes, I live across the street and the yard is green and so forth. I feel some of the blame is on the City. There are legalities, but people make mistakes, and nobody meant any harm in this and her company is offering a 50/50 split and is that fair. We had an error in the billing system and I know I talked with the Mayor and if Mt. Wheeler Power had an error in their billing system you are going to pay for electricity. If you use a utility, you have to pay for it so we are in between a rock and a hard place.

Marietta Henry stated I would like to add one thing. When one of the partners received this letter the partner's wife came in and met with Janette Trask and May was prorated and June and July were paid, so we are in the clear now. I am saying we would have paid this had we known.

Mayor Robertson stated there is no question on that. We understand the intent to pay. The property is currently up to date, but what is the rule of the Council on this?

Councilman Alworth stated I would like to point out one thing. A few months ago we had a landfill client who stood at that podium and openly admitted he didn't pay his landfill bill for five years just to see what you guys would do, so we sent him a dunner.

Councilwoman Williams Harper stated I want to agree to a certain extent with my fellow councilmembers when you are dealing with so much paperwork, we do make mistakes. I do find it admirable that she has said it is your mistake, but she is offering to split this to make it right. I am sure not being here very long that the ladies that work in the office are diligent in doing their jobs, but I feel like it was a mistake and who or how is not important at this point, but it has been found and it likely will not happen again.

Councilman Alworth moved to split the bill with Bristlecone Motel, LLC being responsible to pay \$4,017.71. Councilman Spear seconded the motion. The motion carried 3 to 1 with Councilman Flangas voting nay.

7. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Discussion of the following proposed possible CDBG projects proposed during this item:

Bell Avenue Pipeline	\$ <u>365,800.00</u>
Parker Street Sewer Replacement	\$ <u>497,800.00</u>
Golf Course Well Pipeline	\$ <u>545,300.00</u>
Campton Street Sidewalk Project	\$ <u>470,120.00</u>

George Chachas stated the Bell Avenue Pipeline Project and Parker Street Sewer Replacement Project should be top projects of the four projects; I live on Parker. The Golf Course Well Pipeline is a County responsibility; not the City. The Campton Street Sidewalk Project can be done in bits and pieces as you guys get this COVID money as \$470,000 is not conducive as the

projects on Bell and Parker. I want to remind you that I haven't been reimbursed for the sewer problem on Parker. Has the Golf Course paid in full for the 111 million gallons of water used?

Mayor Robertson stated keep your comments to the projects listed.

George Chachas stated the Golf Course item needs to go as it is a County entity.

Mayor Robertson stated it is not talking about the Golf Course; it is a City infrastructure issue.

George Chachas stated it does not say that on your agenda and it is misleading.

Mayor Robertson stated it states it in the back up documentation. It is called the Golf Course Well because it is next to the Golf Course.

George Chachas stated you could have put it on the roadway, and you didn't do that; it's misleading.

Mayor Robertson asked would the Bell Avenue Pipeline Project affect or improve water pressure on the top side of Bell Avenue? I know this is a project on lower Bell Avenue.

City Engineer Almberg stated it surely could because it is going to replace a line that is down to four inches and six inches in some places. This will come into the main line that was just replaced with the NDOT project, with the intentions of someday replacing these other lines.

Mayor Robertson asked on the Campton Street Sidewalk Project, would that entail putting in some retaining wall?

City Engineer Almberg stated the quote does include some retaining wall. The diagram is hard to tell where that is, but this project was requested by a citizen that came to the last City Council meeting and said something. We tried to make a connection from Great Basin Boulevard down to 7th Street; tying that sidewalk all together. Our intention is as we are heading up Campton Street towards the Terrace from this direction, we would be on the right-hand side adjacent to the hill side and the cost includes the retaining wall. To clarify, you are right the Golf Course Well is in town and runs down Avenue C, and the reason it was attached to the Golf Course was the intention to get water from the Golf Course Well into a main feeder into the community.

Councilman Alworth stated it is my opinion that we need to change the name of the Golf Course Well. When you go in front of the CDBG, they are not going to know the Golf Course Well, so we need to put some thought to that. I think these are all good projects.

Councilman Spear stated two of these projects are a priority; the Parker Street Sewer Replacement and the Golf Course Well Pipeline. If I am understanding correctly, we only have two choices out of the four?

City Engineer Almberg stated, correct.

Councilman Spear stated both the Golf Course Well and the Parker Street Sewer Project are being considered through appropriations as well. I really think they should be top priority and what is the low to moderate income (LMI) on both of those?

City Engineer Almberg stated both of these are paired down from what we had applied for through the appropriations, as that was close to 3 million. This is a small phase of what we are trying to accomplish through the appropriations.

Mayor Robertson asked this wouldn't hurt us if we received the appropriations?

City Engineer Almberg stated if we get the appropriations, we would just do an additional two blocks or something.

Mayor Robertson asked do these qualify under the low to moderate income (LMI) stipulation?

City Clerk Lee stated we will have surveys done by Nevada Rural Water. This public hearing is to determine what the consensus of the Council is, so when I contact them. I am not asking them to do four surveys.

City Engineer Almberg stated we don't currently have an LMI area.

Mayor Robertson asked is the LMI area going to be around these specific projects and if it doesn't qualify, do we have to go back and pick a different project to be considered? Do we have an idea of which one will most likely qualify under that?

City Engineer Almberg stated the top three potentially could meet those guidelines.

City Clerk Lee stated these items will be voted on the end of September or first part of October.

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA

MOTION: Move to approve the Consent Agenda item 9A-1 Minutes and 9A-2 Bills.

Councilman Spear stated I will be abstaining from the July 16, 2021 bills as Julie was paid during that time.

Mayor Robertson stated with that disclosure, we will separate the minutes from the bills.

1. Discussion/For Possible Action –Minutes.
 - July 8, 2021

Councilman Spear moved to approve the July 8, 2021 minutes as presented. Councilman Alworth seconded the motion. The motion carried unanimously.

2. Discussion/For Possible Action –Bills.
 - July 16, 2021
 - July 22, 2021
 - July 29, 2021

Councilwoman Williams-Harper moved to approve the July 16, 2021 bills. Councilman Alworth seconded the motion. The motion carried with three ayes and one abstention from Councilman Spear.

Councilman Alworth moved to approve the July 22, 2021 and July 29, 2021 bills. Councilman Spear seconded the motion. The motion carried unanimously.

B. OLD BUSINESS

1. Councilman Carson – City Attorney Cahoon – Discussion/For Possible Action – Review of City Attorney Cahoon's research of disposal options for junk vehicles without a title which are confiscated by the City of Ely and possible determination of City's process in this regard.

City Attorney Cahoon stated I will begin with my conclusion saying that I think we need to begin the process starting with one vehicle and continue on a case by case basis. We have a few options. In my last report I indicated that bonded titles might be a good idea. However, I called the DMV again and this time they told me the bond is one and half times the value of the vehicle when it was new, not in it's current condition, which would cost the City significantly more to get a bonded title. Our other options are to obtain a duplicate title and the vehicle owner would have to do that. The next option would be to seek to obtain a junk certificate or salvage title. The process to obtain those is have a towing company in town tow those vehicles and after fifteen days if nobody claims the vehicle then the towing company can apply for the junk certificate or salvage title if it is appraised less than \$500.00. The person that does those appraisals is from Elko and will periodically drive down and do appraisals. If the vehicle appraises for over \$500.00, I believe the only difference would be is that it would cost more to obtain those certificates or titles and there is an additional thirty days given for people to make a claim on those vehicles. The final option and a last resort would be if the City had the means to

dismantle the vehicles. If we went that route, we would want to make sure we have exhausted all efforts to notify any previous owners and give as much due process as we possibly can to avoid liability to the City. City Clerk Lee assisted me in setting up an account with the DMV. This account basically allows us to make unlimited requests for title searches and history reports on these vehicles with the VIN number. The account will be set up soon and I think we should begin with the easiest case to abate and go through this process to determine what will be the best in each circumstance.

Councilman Spear asked if we go with obtaining a junk certificate or salvage title who is going to be responsible for paying for those appraisals and titles?

City Attorney Cahoon stated I spoke with Sam at Battle Born Restoration and he indicated the City would pay for it and then pass it on to the property owner as part of the abatement.

Councilman Spear asked who is responsible for the towing fees?

City Attorney Cahoon stated again it would be the City because we are engaging in that and we could try to seek those fees through the abatement process.

Mayor Robertson stated it would be the same process as if we sent someone to clean up the property, demolish a building, or haul something off and then present the bill to the property owner.

Councilman Alworth stated one question for the Treasurer: If we are towing them, would the landfill be able to afford the tow bill since they will end up in the metal pile at the landfill and we will make money on the scrap?

City Treasurer/HR Director Trask stated the landfill can afford it better than the General Fund and as long as they are getting the revenue from selling it for scrap, then it is feasible to let them incur the expense. I have not had enough time to process this as the abatement expenditures usually go through the General Fund, so I hadn't given it any thought about going through the landfill.

Councilman Spear stated the towing company will have to take these vehicles to their lot until we get a title of some sort. Normally, they charge daily rental fees to store that vehicle plus the towing. I think we need to take a slow approach to this because some of these titles might take thirty days or more to obtain and then the City will be responsible for towing and rental fees of all that time. I would like to see us slow down on pulling any more vehicles until we can figure out a way, we can accomplish this and have some type of revenue stream, so it is not a tremendous cost to the City.

City Attorney Cahoon stated I think that is why it would be good to go case by case so we can lay out our options and go from there.

Councilwoman Williams-Harper stated so this could end up as a wash where we are not making any money, or it could cost us?

Mayor Robertson stated it is going to cost us to abate a property, there is no question about that. The question and issue is when the City has done this in the past they have ended up with vehicles they cannot dispose of and the City has no business or place holding junk vehicles indefinitely; because without a title we cannot scrap it. The research is based on if we do abate at the very least can we do it in a way that we are not stuck with junk cars and where we can dispose of them. The cost to abate a property goes back to the property owner and if they don't pay it, we can then put a lien on the property. We want to make sure we can complete the process instead of like in the past the City has abated the property and then they have these vehicles they don't know what to do with.

City Attorney stated the DMV account should be set up in three to five business days and it is free since we are a government agency.

Mayor Robertson stated with having the account we can find the titled owner and short circuit this whole process and that is the best option. The problem would be if we do a search and nothing comes up; then we would have to go with one of the other options the City Attorney has researched.

Councilman Alworth moved to accept the recommendation of the City Attorney with addressing abatements case by case and start with one of the easier ones to go through the process. Councilman Spear seconded the motion. The motion carried unanimously.

2. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of junk/abandoned vehicles, and commercial sign on private property located at 201 Ogden Avenue, Ely, NV, APN 001-125-06.

City Clerk Lee stated for the record the Estate of Robert Miller is who owns this property and has the legal liability for this nuisance.

Jed Peeler stated Bob Miller no longer owns that property, it is a group of people from Armenia.

City Clerk Lee stated, with all due respect Mr. Peeler, the County Treasurer's office records that still in his name and his estate is the one that holds legal liability.

Jed Peeler stated it shouldn't be, we bought that building with the help of our Armenian friends for \$128,000.00.

Mayor Robertson stated with that being the case Mr. Peeler, do you have some other information on this case?

Jed Peeler stated the titles to four of those vehicles are in the hands of Mr. Tom Bath and that is who you should be speaking to or sending a letter to. One of the vehicles is leaving this week.

Mayor Robertson stated the City Attorney and I had some discussion on this sort of issue in that if the property is being abated and the vehicles belong to someone other than the property owner, the property owner is responsible for getting the vehicles moved.

Jed Peeler stated I have tried probably ten times to get a hold of Mr. Bath and don't seem to have any pull. I have told him we need to get rid of the vehicles and the signs as they are obviously not ours. We have been cleaning up the place as you can tell and I don't know what else to do.

Mayor Robertson stated several members of the Council have made note of that and we appreciate your efforts. What is our recourse?

City Attorney Cahoon stated it is a tough issue. I think we go through the process by checking to see if those titles do belong to Mr. Bath and then go from there. We could send Mr. Bath a notice that he needs to obtain a duplicate title.

Mayor Robertson stated I still feel like that puts the City in the position of doing the property owners work if we are contacting vehicle owners. If part of the due process is taking the vehicles, notifying the public that we have them and we are going to dispose of them if you don't come remove them or obtain them from us. Is that correct?

City Attorney Cahoon stated that is correct. If the property owner incurs any cost relating to the vehicles, it is then the responsibility of the property owner to sue the owner of the vehicles for those costs.

Councilman Spear stated I think if we can have the Sheriff get the VIN numbers off the vehicles and run them through the DMV and if it does come back that Mr. Bath owns

them then send him a letter that we need the titles and move to the next step. I suspect Mr. Bath will come forward with the titles if that is the case.

Mayor Robertson stated the order of operation, correct me if I am wrong Attorney Cahoon, would be we get a notice from the Judge to abate the property, we would then notice the property owners and get the VIN numbers and notice those people that these vehicles will be removed at such and such date. You can either remove them or we will remove them and charge that back to the property owner.

City Attorney Cahoon stated that is correct and part of the due process.

Councilman Spear moved to move forward with the abatement action to include the removal of junk/abandoned vehicles, and commercial sign on private property located at 201 Ogden Avenue, Ely, NV, APN 001-125-06. Councilman Alworth seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Mayor Robertson – Nevada Rural Housing Authority (NRHA) Deputy Executive Director Mishon Hurst – Discussion/For Possible Action – Approval of Resolution 2021-06 providing for the transfer of the City of Ely’s 2021 private activity bond volume cap to the Nevada Rural Housing Authority.

Mayor Robertson stated this is routine as we do it annually.

Councilman Spear moved to approve Resolution 2021-06 providing for the transfer of the City of Ely’s 2021 private activity bond volume cap to the Nevada Rural Housing Authority. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Appointment of Municipal Utilities Board member with term through December 31, 2023; nominee for the seat is Brad Block

Mayor Robertson stated this individual has removed himself for consideration due to concerns with COVID-19, so we don’t have anything to vote on. If you know of anyone who would like to serve on the Municipal Utilities Board, please have them come down to City Hall.

3. Mayor Robertson – Discussion/For Possible Action – First Reading of Ordinance 743, Bill 2021-06, with approval to move to the second reading. Ordinance 743 amends Title 5, Chapter 5 of the City Code of the City of Ely setting forth hours designated for public use of City Parks.

Mayor Robertson stated these are some tweaks to bring it in line with the County’s recently adopted curfew to make it easier for enforcement for our Sheriff’s Department.

Councilman Alworth moved to approve the first reading of Ordinance 743, Bill 2021-06. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action –Performance Evaluation of City Building Official Lee Walker including, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”

Mayor Robertson stated this is part of our ongoing personnel reviews for our City officials. Our Building Official, Lee Walker, has not been here for a year, but it is coming up on his six-month evaluation period.

Councilman Alworth stated my first comment is I am very dissatisfied with his performance.

Councilman Spear asked did you pass your test the other day or have you taken it yet?

Building Official Walker stated I did take it last Friday and I did not pass.

Mayor Robertson asked how does that work? Do you have a certain time to retake it or do you have to wait?

Building Official Walker stated on the ICC website you can take the test anytime 24/7 online and you have up to six times to pass; if you don't, you have to wait six months to take it.

Councilman Spear asked how confident are you that you will be taking this test soon and pass it?

Building Official Walker stated I am feeling pretty confident on this next one. My first attempt I was not very prepared and did not manage my time well. I plan to take it again next Friday.

Mayor Robertson stated the deadline for him to have passed the Residential Inspector Exam is September 1st per contract.

Councilman Spear stated I would like to table this item until the next meeting to see if he passes his test.

Mayor Robertson asked would you like to share anything with how the job is going?

Building Official Walker stated it is a lot different than what I expected. There is a lot to it and it is not just the City that I represent; I represent the County as well. This month will be more stressful because Jennifer is gone pretty much the whole month, so it will just be me in the office. I will be answering phones, emails, doing inspections, not to mention more testing, and studying.

Mayor Robertson asked Councilman Alworth do you care to elaborate on your dissatisfaction?

Councilman Alworth stated I have had numerous emails sent to Lee and no response; it is like I am sending it to the black hole. When he does get back to me, his response to my requests is not very good. The hold on the 900 block of Avenue C we had a big problem with that, and I called you on that; you overlooked it and they were done and gone. I admit some of his problem is he's out with the County. Again, I'll go back and add that to the list with the Cemetery and the Landfill. Let the County get their own building inspector because he has spent a lot of time outside the City doing stuff. Brad is here working with him, but his follow-up is terrible. I went to the City Clerk about this and I said the way I run is when I ask a question, I want an answer. I don't want to have to keep sending emails and phone calls do not work with Lee. I never heard back from you until I started sending typed memos to you and then it is usually a day late, with the exception of this last week because I think you knew this was coming up. You are an intelligent person and you need to read the contract. Your tardiness is unacceptable. It is my right to ask the staff if he is coming to work on time and they have said no. Missing meetings and appointments with contractors is unsatisfactory.

Building Official Walker stated I don't ever remember missing an appointment with a contractor.

Councilman Alworth stated that is one of the comments I got from the staff is that the contractors are here waiting, and you don't show up or you show up late. You need to put on your game shoes here because this is serious stuff. We have people wanting action. I now report my emails to the City Clerk and Mayor for better action and they are seeing the lack of response to my questions. It really upsets me when I tell you or email you something like contractors are roofing these two houses and they are going to be done in one day and be gone.

Building Official Walker stated I don't remember what day that was.

Councilman Alworth stated I was there talking to you and Brad and it was Vernon Bradley's property, it was the two trailers. Do you remember that?

Building Official Walker stated yes, I do remember that, and I remember following up with him. I went to his house and knocked on his door for a half an hour because the guy cannot get around well. I have given him numerous phone calls with messages left and I get no response.

Councilman Alworth stated the problem with that property is what?

Building Official Walker stated they did not get permitting, they are manufactured homes and are only allowed to have one layer of some form of protection whether it be a metal roof or shingles and they went over the top of the shingles.

Councilman Alworth stated I don't know why you didn't run down there, drive down there, or walk down there; whatever you have to do to get there. Those roofs are on their illegally and by law the owner, and I understand Mr. Bradley is very ill, needs to have them ripped off and replaced. What a waste because somebody didn't want to jump on it and go down and look at it. I am busy doing a plan review is what you said. It is a ten-minute drive down there. To me that is just one example. You can roll your eyes all you want.

Building Official Walker stated I am not rolling my eyes sir. I don't think it is fair for one person to dictate my day. When I am with somebody, especially Brad, who I am doing my plan review with, which goes with my training, I need to be there.

Councilman Alworth stated I think a good training would be to take an experienced building inspector with you and go handle this with a certified registered letter. I am not going to ask that guy to tear the roof off because once again the City failed to do the right thing.

Mayor Robertson asked do you feel you have a plan going forward to address some of the issues brought up.

Building Official Walker stated yes, I have been in conversation with Patti and she is going to help me with a spreadsheet for code enforcements much like the one she has set up for complaints. Anything that comes into my office will be dated, timed, and depending on what my schedule is for that day, if people have already set aside a time for me to be there, I need to be there for those people and if I get time between those things then those things will be dealt with. I cannot deviate from my schedule when people allot time for me to be there.

Mayor Robertson stated you noted the job is a lot more or different than you expected. Do you feel you are getting a better handle on time management and coming up with a priority list of what needs to be handled as a time sensitive matter?

Building Official Walker stated yes.

Councilwoman Williams-Harper stated you have a test to pass and is this the first time you have taken the test?

Building Official Walker stated yes, this last Friday was.

Councilwoman Williams-Harper asked why did you wait so long and so close to the time you knew you needed to pass it?

Building Official Walker stated with the day to day stuff, it is hard for me to study and when people fill up my schedule, it is hard to just pencil it in.

Councilwoman Williams-Harper stated when you have to have a certification to have a job that means you have to do that in the evening or whenever you can because you can't

do it during the job to get it done. You have really left yourself in a bind with only being able to have one more chance. The thing is to take it right away so you can see where you went wrong so you can study to take it again, but you really have not left yourself enough time to learn what you need to learn because you have waited until the 11th hour.

Councilman Alworth stated in the 1300 block of Avenue G, I sent you a text about a house that they have been roofing for over a month that is a steep roof with 2 x 4's on it. You said it is not permitted and there was a stop work order put on it. What is the follow up and what did you do?

Building Official Walker stated there was a stop work order put on it. The homeowner came in and purchased a permit, paid all her penalties, and filled out the necessary paperwork needed. We have inspected it, and everything is up to where she needs to be.

Councilman Alworth stated how simple would it be to say it is handled. I got no feedback. I am the type of person that when I ask a question, I want a response even if I don't like the answer. I want some feedback.

Building Official Walker stated ok.

Councilman Alworth stated this is a touchy situation. The County needs a building inspector. We have Mr. Christiansen on a contract, but with the mess going on out at the Silver Lion farm we don't even want to talk about that right now. This is part of my dissatisfaction. We have senators involved on stuff out there now and I have had calls from representatives from out there because Mr. Walker stated he is not going out there. Whether it is hearsay or not, it is going right in my face and I get no cooperation with that project and it is huge. We have got to get better communications.

Councilman Spear moved to table the Performance Evaluation of City Building Official Lee Walker until the August 31, 2021 meeting, providing Building Official Walker time to take the Residential Inspector exam again and evaluate stipulations in his contract regarding the six-month timeline. Councilwoman Williams-Harper seconded the motion. The motion passed with 3 ayes and 1 nay from Councilman Alworth.

Mayor Robertson recessed for a five-minute break at 6:35 p.m.

Mayor Robertson called the meeting back to order at 6:40 p.m.

5. Councilman Spear – Councilman Alworth – Discussion Only – Update on PORTER Group efforts on behalf of the City of Ely.

Councilman Alworth stated Both Senators have submitted the City's three earmark requests to the relevant Senate Appropriations subcommittees for consideration for inclusion in this year's FY22 appropriations bills. The Senate Appropriations Committee will now evaluate each earmark request it received from all 100 Senators and release lists of those that it has approved for funding during a process known as a 'markup'. They are getting ready to go on their summer break and so there will not be any further action until early September. We are hoping with going through the political field with the PORTER Group and the Mayor talking to Senators when they are in town, that we will be considered. They are passing an infrastructure bill that is \$550 billion with a 2,700-page report. We have all these projects out there that can be funded several different ways and we are going to keep trying. The American Rescue Plan Act of 2021, passed in March of this year, authorized a brand-new grant program from the Economic Development Administration designed to "accelerate the recovery of communities that rely on the travel, tourism and outdoor recreation sectors." With the railroad and trails around here Mark and Kyle are great grant writers, and this is a good possibility. Again, it is going to take writing letters of support and communicating with Senators. Ed, B.J., and I expressed our disgust that Clark County and Reno gets the biggest amount of money and we are out here in cow county and we just need the representation. People from Clark

County and a lot of people come up here to recreate because they love our county, but we are not getting the money to subsidize all this. If we want to push tourism, we are going to have to do something about our water and sewer as it is going to be maxed out with the building of more hotels and homes. We continue to work with the PORTER Group to help us out at the Washington level on sewer lines and so forth. We are hoping to see some return on our investment. We did not make the cut for Horsford which surprised and upset us.

Mayor Robertson stated I did talk to General Herbert about the synopsis on those projects for the Horsford meeting.

6. Councilman Alworth – Discussion/For Possible Action – Direct City Police Chief to conduct a traffic study regarding possible future removal of YIELD or STOP signs at the following locations – Mill Street and 1st Avenue, Mill Street and 3rd Avenue, and Mill Street and Annand Avenue– and to provide the results of that traffic study to the City Engineer in order for both officials to make recommendations at the City Council meeting following completion, pursuant to City Code 6-3-2(B).

Councilman Alworth stated it pretty well explains itself. The past administration slapped all those STOP signs up. There are three-way and four-way stops on to Murry Street. The item is not properly noticed to say Murry instead of Mill, so we will bring it back on the next agenda.

Mayor Robertson passed the gavel to Mayor Pro Tem Williams Harper.

7. Councilman Alworth – Discussion/For Possible Action – Approval of Maupin, Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy’s representation of Nevada Northern Railway Foundation, Inc., with respect to all issues involving White Pine Waterpower, LLC’s proposed project near a portion of the Nevada Northern Railway.

Chris Stanko with Maupin, Cox & LeGoy stated our law firm jointly represents the City with the Foundation with respect to the S&S Lawsuit. The City is a current client and we are very happy to have them as a client. With respect to this matter, I had been asked to engage on it before on behalf of Nevada Northern Railway. There was a question early this year if we were potentially going to represent both the City and the Foundation. From what I have gathered, it seems to be more of a Foundation issue with respect to the line on the adverse branch as you head out towards McGill relating to the water project. I don’t see any conflict with our law firm and myself representing the Foundation and again if you look at my foot note on the front page, we are happy to entertain jointly representing the City and the Foundation. This waiver would enable us to represent the Foundation with respect to this proposed water project as you head out to McGill.

Councilman Alworth moved to approve Maupin, Cox & Legoy’s conflict waiver regarding Maupin, Cox & Legoy’s representation of Nevada Northern Railway Foundation, Inc., with respect to all issues involving White Pine Waterpower, LLC’s proposed project near a portion of the Nevada Northern Railway. Councilman Spear seconded the motion. The motion carried unanimously.

8. Councilman Alworth – Discussion/For Possible Action – Approval of Fourth Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2022.

Councilman Spear asked why we are doing this piecemeal? This is number four, as the original agreement was in 2016. It is something we should be doing annually instead of every quarter. Why are we doing it so often?

Chris Stanko with Maupin, Cox, and Legoy stated a quick background. It was initially a three-year term and for reasons related to other matters, we have decided to push this off. Both parties had been involved in significant litigation in respect to the S & S matter, so rather than spending resources trying to amend this or re-address the Development

Agreement from July 2016 which seem to be working ok for the most part, we've continued to extend it. Now that the S & S case has been stayed for almost a year and we will hopefully have a settlement, the Foundation would like to reup the Development Agreement, which goes into the next item. This would just extend it for an additional three months and to your point Councilman Spear, that could be brought up for the discussion for any amended and restated Development Agreement of how long that term will be and how often the parties are going to talk about amending or restating the agreement.

Councilman Spear stated we all understand that litigation takes a long time. If we need to do a fifth amendment, maybe we should lengthen it out to six months or a year.

Councilman Spear moved to Approve the Fourth Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2022. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Councilman Alworth – Discussion/For Possible Action – Approval of Maupin, Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy's representation of Nevada Northern Railway Foundation, Inc., with respect to negotiating and drafting an amended and restated Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc.

Councilman Alworth stated it's up to you Chris, run with it.

Chris Stanko with Maupin, Cox, and Legoy stated unlike the water project waiver two agenda items ago, this agenda item is a conflict and does not relate to the current co-representation with respect to the S & S lawsuit. I believe it is a waivable conflict pursuant to Nevada Rules of Professional Conduct; Rule Number 1.6. We would only engage in representing the Foundation with respect to any negotiations and redrafting of the Development Agreement and this agenda item is on behalf of the Foundation. I will tell the City what I told the foundation. Here at Maupin, Cox, and Legoy we think of ourselves, even though we were solely representing the Foundation for some time before we were jointly retained with the respect of the S & S suit, just as much the City's counsel as the Foundations counsel. We could theoretically represent the City with this Development Agreement and ask the Foundation to waive any conflict and have them get other counsel. Representing both at the same time would be difficult unless each one had their own and theoretically the City Attorney could represent the Foundation if he received a conflict waiver from the City pursuant to the current Development Agreement. The City Attorney is obligated to give certain legal services to the Foundation if he believes there is no conflict and that has happened from time to time. It didn't happen right away when this was entered into during July of 2016, but after there was a change in the City Attorney position. If the Council does decide to execute this conflict waiver which the Foundation has unanimously voted in favor to ask the Council to do, I would only be representing the Foundation's interest with respect to what they would like to see out of the Development Agreement. The Development Agreement was drafted and executed over five years ago in July of 2016. I hope I can solely represent the Foundation, and this is a waivable conflict.

Councilman Alworth asked can Leo our City Attorney have some input in this rewording and negotiating of the amended draft agreement?

Chris Stanko with Maupin, Cox, and Legoy stated absolutely. As contemplated, there is not going to be a restated agreement unless both parties agree and that will take a majority of the City Council pursuant to a vote and a majority of the Board of the Foundation and I anticipate the City Attorney will represent the City and be involved in this. I do have more background regarding the Development Agreement and the Railroad and the relation between the parties, but I absolutely intend to discuss the matter with him.

Councilman Alworth moved to Approve the Maupin, Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy's representation of Nevada Northern Railway Foundation, Inc., with respect to negotiating and drafting an amended and restated

Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc. Councilman Flangas seconded the motion. The motion carried unanimously.

Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson.

10. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of unlicensed vehicles, weeds, and debris on private property located at 1405 Lyons Avenue, Ely, NV.

City Clerk Lee stated this property is owned by a deceased person and we have had no contact from any family members. The letter was returned so I recommend abatement.

Councilman Spear stated I agree with City Clerk Lee. I drive by there three or four times a week and it is quite a mess with all the stuff in the front yard.

Councilman Spear moved to approve abatement action to include the removal of unlicensed vehicles, weeds, and debris on private property located at 1405 Lyons Avenue, Ely, NV. Councilman Alworth seconded the motion. The motion carried unanimously.

11. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of felled trees on private property located at APN 001-411-02, Ely, NV.

City Clerk Lee stated there has been no response from the owner or compliance.

Councilman Alworth stated for clarification is this those trees that are on Orson Avenue just west of 1st or 2nd Street?

City Clerk Lee stated yes.

Councilman Alworth stated I think there was one tree removed.

Councilman Spear stated there was one removed, but still a lot of debris there as I checked today.

Councilwoman Williams-Harper moved to approve abatement action to include the removal of felled trees on private property located at APN 001-411-02, Ely, NV. Councilman Alworth seconded the motion. The motion carried unanimously.

12. Council Members – City Attorney Cahoon – Discussion/For Possible Action - Direction and potential approval of Nevada Agreement on Allocation of Opioid Recoveries relating to the resolution of existing opioid related litigation, and the allocation and use of recovery proceeds to remediate the harms, impact, and risks caused by the opioid epidemic to the City and its residents.

Councilman Alworth moved to approve the Nevada Agreement on Allocation of Opioid Recoveries relating to the resolution of existing opioid related litigation, and the allocation and use of recovery proceeds to remediate the harms, impact, and risks caused by the opioid epidemic to the City and its residents. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

10. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding billing on his properties; discrimination and unfair treatment; bringing the billing back to City Hall; having a court order to take junk vehicles in regard to the abatement process and due process; and RV permitting in the City. If the Congressmen and Senators come here, I am going to talk to them because I am fed up and there are plenty of records in the minutes and you guys aren't doing anything.

11. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL

Councilman Alworth moved to adjourn the Regular meeting of the Ely City Council at **7:05 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

MAYOR

ATTEST